

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 ARTHUR D. TAGGART, State Bar No. 83047  
Supervising Deputy Attorney General  
4 California Department of Justice  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5339  
Facsimile: (916) 327-8643

7 Attorneys for Complainant

8  
9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-77

13 DEBORAH PAULETTE STEELE,  
a.k.a. DEBORAH PAULETTE STEELE-FISHER  
14 21787 Road 68  
Tulare, CA 93274

**DEFAULT DECISION  
AND ORDER**

[Gov. Code §11520]

15 Registered Nurse License No. 576253

16 Respondent.

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18 **FINDINGS OF FACT**

19 1. On or about August 27, 2007, Complainant Ruth Ann Terry, M.P.H., R.N.,  
20 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs, filed Accusation No. 2008-77 against Deborah Paulette Steele, also known  
22 as Deborah Paulette Steele-Fisher ("Respondent"), before the Board of Registered Nursing.

23 2. On or about January 23, 2001, the Board issued Registered Nurse License  
24 Number 576253 to Respondent. Respondent's registered nurse license was in full force and  
25 effect at all times relevant to the charges brought herein and will expire on December 31, 2008,  
26 unless renewed.

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1                   3.       On or about October 2, 2007, Carol L. Sekara, an employee of the Office  
2 of the Attorney General, served by Certified and First Class Mail a copy of the Accusation No.  
3 2008-77, Statement to Respondent, Notice of Defense, Request for Discovery, and Government  
4 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,  
5 which was and is 21787 Road 68, Tulare, CA 93274. A copy of the Accusation and the related  
6 documents are attached as Exhibit A and are incorporated herein by reference.

7                   4.       Service of the Accusation was effective as a matter of law under the  
8 provisions of Government Code section 11505, subdivision (c).

9                   5.       Business and Professions Code ("Code") section 118 states, in pertinent  
10 part:

11                   (b) The suspension, expiration, or forfeiture by operation of law of a  
12 'license issued by a board in the department, or its suspension, forfeiture, or  
13 cancellation by order of the board or by order of a court of law, or its surrender  
14 without the written consent of the board, shall not, during any period in which it  
15 may be renewed, restored, reissued, or reinstated, deprive the board of its  
authority to institute or continue a disciplinary proceeding against the licensee  
upon any ground provided by law or to enter an order suspending or revoking the  
license or otherwise taking disciplinary action against the license on any such  
ground.

16                   6.       Government Code section 11506 states, in pertinent part:

17                   (c) The respondent shall be entitled to a hearing on the merits if the  
18 respondent files a notice of defense, and the notice shall be deemed a specific  
19 denial of all parts of the accusation not expressly admitted. Failure to file a notice  
of defense shall constitute a waiver of respondent's right to a hearing, but the  
agency in its discretion may nevertheless grant a hearing.

20                   7.       Respondent failed to file a Notice of Defense within 15 days after service  
21 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
22 Accusation No. 2008-77.

23                   8.       California Government Code section 11520 states, in pertinent part:

24                   (a) If the respondent either fails to file a notice of defense or to appear at  
25 the hearing, the agency may take action based upon the respondent's express  
26 admissions or upon other evidence and affidavits may be used as evidence without  
any notice to respondent.

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9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in exhibit A, finds that the allegations in Accusation No. 2008-77 are true.

10. The total costs for investigation and enforcement are \$1,428.25 as of October 7, 2008, as evidenced by the Cost of Suit Summary attached hereto as exhibit B.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Deborah Paulette Steele, also known as Deborah Paulette Steele-Fisher, has subjected her Registered Nurse License Number 576253 to discipline.

2. A copy of the Accusation and the related documents are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violation alleged in the Accusation: Code section 2761, subdivision (f) (criminal convictions), and Code section 2762, subdivisions (b) (use of alcoholic beverages to an extent or in a manner dangerous or injurious to others) and (c) (convictions related to the consumption of alcoholic beverages), pursuant to Code section 2761, subdivision (a) (unprofessional conduct).

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Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

It is so ORDERED February 5, 2009

Exhibit A: Accusation No. 2008-77 and Related Documents  
Exhibit B: Cost of Suit Summary

**Exhibit A**

**Accusation No. 2008-77 and Related Documents**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
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14 21787 Road 68  
Tulare, CA 93274

**A C C U S A T I O N**

15 Registered Nurse License No. 576253

16 Respondent.  
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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
22 ("Board"), Department of Consumer Affairs.

23 2. On or about January 23, 2001, the Board issued Registered Nurse License  
24 Number 576253 to Deborah Paulette Steele, also known as Deborah Paulette Steele-Fisher  
25 ("Respondent"). Respondent's registered nurse license was in full force and effect at all times  
26 relevant to the charges brought herein and will expire on December 31, 2008, unless renewed.

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b. The circumstances of the crime are that on or about March 1, 2004, Respondent unlawfully drove a vehicle while having .20 % and more, by weight, of alcohol in her blood (Respondent's blood alcohol level was determined to be *0.31%*). Further, Respondent, in so driving while under the influence, concurrently did an act forbidden by law and neglected a duty imposed by law (Respondent caused a motor vehicle accident) which proximately caused bodily injury to S.W.

c. On or about March 13, 2007, in the criminal proceeding titled *People v. Deborah Paulette Steele-Fisher* (Tulare County Sup. Ct., 2007, Case No. TCM175376), Respondent was convicted by the court on her plea of no contest to a violation of Vehicle Code section 23152, subdivision (b) (driving under the influence with a blood alcohol level of .15% or higher, a misdemeanor)<sup>2/</sup>, a crime substantially related to the qualifications, functions, and duties of a registered nurse.

d. The circumstances of the crime are that on or about September 29, 2006, Respondent unlawfully drove a vehicle while having .15% and more, by weight, of alcohol in her blood (Respondent's blood alcohol level was determined to be 0.35%).

## SECOND CAUSE FOR DISCIPLINE

**(Use of Alcoholic Beverages to an Extent**

**or in a Manner Dangerous or Injurious to Others)**

13. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b). On or about March 1, 2004, and September 29, 2006, Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to herself, others, and the public, as set forth above.

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2. Respondent's plea also included an admission that the current offense occurred within ten years of a separate violation of Section 23152, subdivision (a), of the Vehicle Code, which separate violation occurred on or about March 1, 2004, and which resulted in a conviction.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Convictions Related to the**

3 **Consumption of Alcoholic Beverages)**

4 14. Respondent is subject to disciplinary action pursuant to Code  
5 section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code  
6 section 2762, subdivision (c). On or about June 24, 2004, and March 13, 2007, Respondent was  
7 convicted of criminal offenses involving the consumption of alcoholic beverages, as set forth  
8 above.

9 **PRAYER**

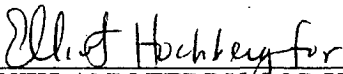
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 576253, issued  
13 to Deborah Paulette Steele, also known as Deborah Paulette Steele-Fisher;

14 2. Ordering Deborah Paulette Steele, also known as Deborah Paulette Steele-  
15 Fisher, to pay the Board of Registered Nursing the reasonable costs of the investigation and  
16 enforcement of this case, pursuant to Code section 125.3; and

17 3. Taking such other and further action as deemed necessary and proper.  
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19 DATED: 8/27/07

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21   
22 RUTH ANN TERRY, M.P.H., R.N.  
23 Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant